

#489  
BILL NO. G-91-10-13

GENERAL ORDINANCE NO. G- 30-91

AN ORDINANCE vacating a dedicated  
plat in the City of Fort Wayne, IN.

WHEREAS, a petition to vacate a dedicated plat within  
the City of Fort Wayne (as more specifically described  
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
dedicated plat within the City of Fort Wayne, more  
specifically described as follows, to-wit:

Engle Ridge North

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

  
COUNCILMEMBER



#489

APPROVED AS TO FORM AND LEGALITY:

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J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1991,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



Read the first time in full and on motion by Henry  
seconded by Edmonds, and duly adopted, read the second time by  
title and referred to the Committee on Regulators (and the  
City Plan Commission for recommendation) and Public Hearing to be held af  
due legal notice, at the Common Council Conference Room 128, City-County  
Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, da  
of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 10-8-91.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry  
seconded by Redd, and duly adopted, placed on its passage.  
PASSED ~~LAST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 11-26-91.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-30-91  
on the 26th day of November, 19 91

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of November, 19 91  
at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2nd day of December,  
19 91, at the hour of 12:30 o'clock PM M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

RECEIPT

CK # 1168

No 10863

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., Sept 19 1991

RECEIVED FROM

S. Fletcher Moppert

\$ 100.00

THE SUM OF

One hundred and no/100's

100

DOLLARS

ON ACCOUNT OF

Vac - Engle Ridge North

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

NS DP  
AUTHORIZED SIGNATURE



Date Filed: \_\_\_\_\_

Vacation Petition

I/We Engle Ridge Corp.,  
(Applicant's Name or Names)

PETITION TO VACATE Plat Engle Ridge North  
(Street, Alley, Utility Easement, Plat,

Other) \_\_\_\_\_

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following Plat \_\_\_\_\_ with the City of Fort  
Wayne, Indiana, and hereby described as follows:

Engle Ridge North  
\_\_\_\_\_  
\_\_\_\_\_

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

The Plat as previously recorded is functionally obsolete. The  
proposed replat/new plat enhances the area surrounding this  
development.  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
\_\_\_\_\_ be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 19 DAY OF SEPTEMBER 19 91

S. Q. Moppert  
Adjacent Property Owner  
Typed Name

126 W. Columbia Street 318  
Address 46802 Zip

S. FLETCHER Moppert  
Signature

Robert E. Roeder  
Adjacent Property Owner  
Typed Name

4007 Engleton Dr 46804  
Address Zip

\_\_\_\_\_  
Signature

Legal Description of Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Reasons for Vacation Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owners of Adjacent Property:

<u>Lawrence Kapp</u>	<u>4124 Clubview Dr.</u>	<u><i>Lawrence Kapp</i></u>
<u>Edward J. Moppert</u>	<u>1212 Anthony Wayne Bldg.</u>	<u><i>Edward J. Moppert</i></u>
<u>Robert Wood</u>	<u>PO Box 605</u>	<u><i>Robert Wood</i></u>
<u>Mike &amp; Cynthia Everton</u>	<u>Markle, IN 46770</u>	<u><i>Michael Everton</i></u>
<u>Adjacent Property Owners TYPED Name</u>	<u>Address/Zip</u>	<u>Signature</u>

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

S. Fletcher Moppert  
Name

100 W. Columbia St.,  
Street Address

Fort Wayne, IN 46802  
City/State/Zip

219/423-4431  
Phone



## RESOLUTION

WHEREAS, ENGLE RIDGE CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat in Fort Wayne, Allen County, to-wit:

Engle Ridge North

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 21, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated plat in Allen County, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 28, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF October 1991

FORT WAYNE, CITY PLAN COMMISSION

Robert Hufner  
Secretary



## RESOLUTION 79-138-5

WHEREAS, ENGLE RIDGE CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Engle Ridge North

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held OCTOBER 30, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 30 DAY OF OCTOBER 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton  
Director of Public Works

Katherine A. Carrier  
Member, Board of Public Works

Douglas M. Lehman  
Director of Administration & Finance



**FACT SHEET**

G-91-10-13

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Plat Vacation Ordinance

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Engle Ridge North

**Reason for Project**

To allow a replatting.

**Discussion (Including relationship to other Council actions)**21 October 1991 - Public Hearing

John Ray, attorney representing the petitioners appeared before the Commission. He stated that the current Engle Ridge North plat has become functionally obsolete. He stated that it has become that way because Clubview Drive as originally platted runs into the flood plain. He stated that they could not build on some of the lots, as originally proposed, due to the new flood plain designation. He stated that the cost to expand that road into the flood plain, with the conditions that are there, would be very expensive. He stated that the proposed plat remedies those situations.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 October 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
Engle Ridge Corporation  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS**  
(For Council  
use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐ No☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 19 September 1991

Projected Completion or Occupancy

Date 29 October 1991

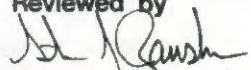
Fact Sheet Prepared by

Date 29 October 1991

Patricia Biancaniello

Reviewed by

Date 4 NOVEMBER 1991



Reference or Case Number



#489 ORIGINAL

ORIGINAL

**DIGEST SHEET**

Plat Vacation Ordinance

**TITLE OF ORDINANCE**

Land Use Management - C&ED

**DEPARTMENT REQUESTING ORDINANCE**

**SYNOPSIS OF ORDINANCE**

Engle Ridge North

5-91-10-13

**EFFECT OF PASSAGE**

Property is currently a dedicated plat which per the applicant has become functionally obsolete. The proposed replat/new plat enhances the area surrounding this development.

**EFFECT OF NON-PASSAGE**

The current plat will stay in place as originally dedicated.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**



BILL NO. G-91-10-13

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) RESOLUTION vacating a dedicated  
plat in the City of Fort Wayne, IN

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signatures: T. C. Henry, D. C. Long, Edmonds, Schmidt, Bradbury]*

DATED: 11.26-91.

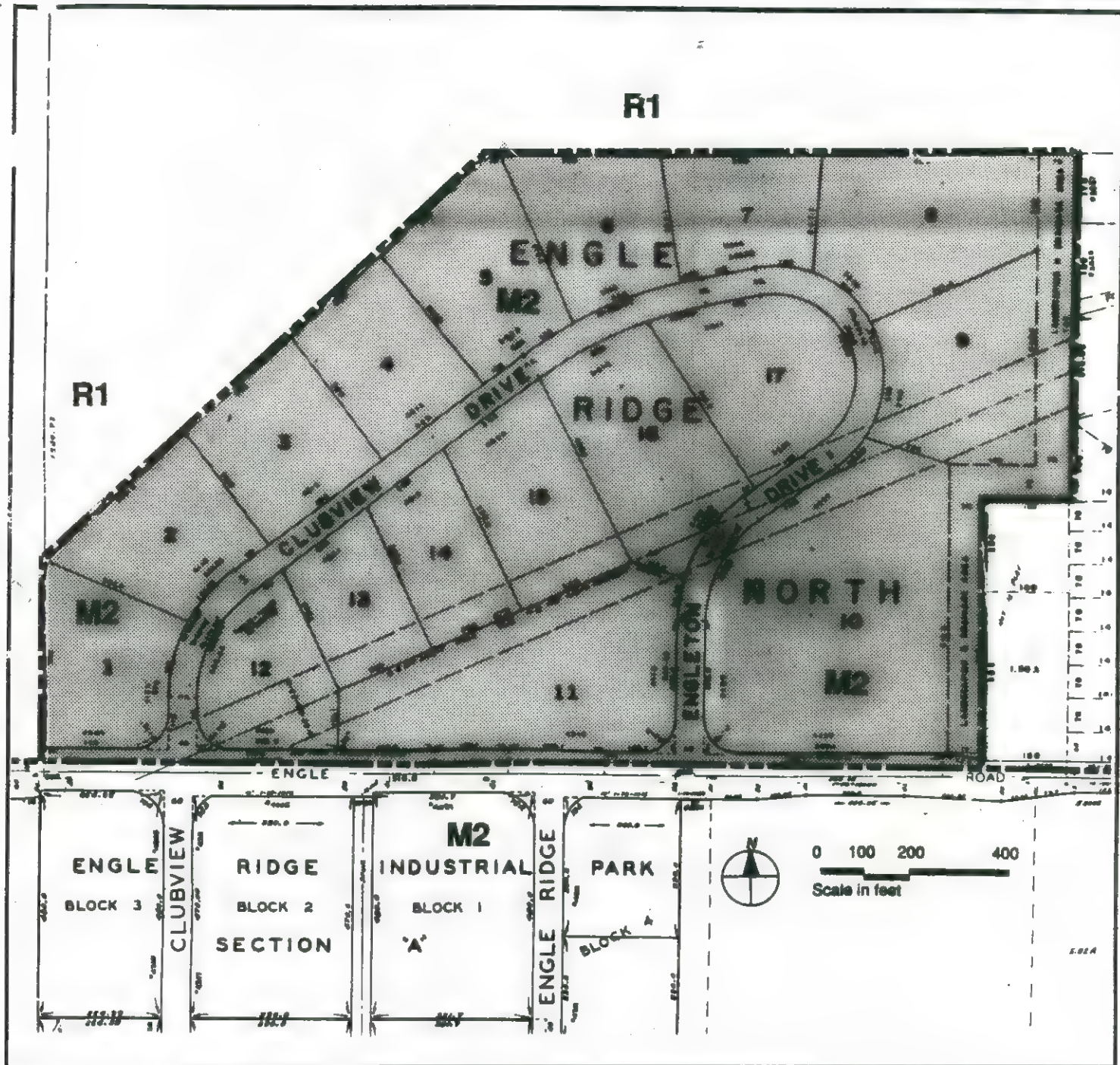
Sandra E. Kennedy  
City Clerk



# VACATION PETITION

AREA MAP

CASE NO. #489

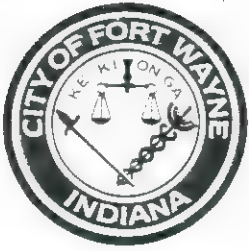


COUNCILMANIC DISTRICT NO. 4

Map No. G-11  
LW 9-25-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

November 13, 1991

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of  
November 16, 1991 in both the News Sentinel and Journal  
Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-10-13  
Vacating a dedicated plat  
Engle Ridge North

Please send us 3 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-91-10-13)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 26, 1991, at 7:00 P.M., (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Vacating a dedicated plat within the City of  
Fort Wayne - Engle Ridge North

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

November 13, 1991

S. Fletcher Moppert  
100 W Columbia Street  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-91-10-13

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 26, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

vacate a dedicated plat - Engle Ridge North

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

FW Common Council  
(Governmental Unit)To: The Journal-Gazette Dr.  
P.O. Box 100  
Fort Wayne, IN

County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

17 lines, 1 columns wide equals 17 equivalent lines  
at .33 cents per line\$ 5.61Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 6.61

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Nov 16, 19 91Title: Clerk

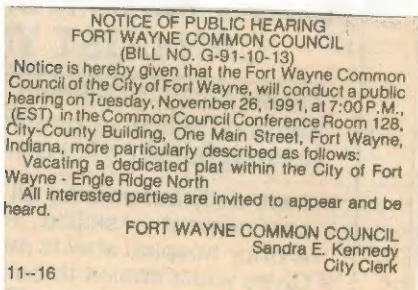
## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

11/16/91Subscribed and sworn to before me this 16th day of Nov, 19 91.Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUEMy commission expires: March 3, 1994



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines \_\_\_\_\_

Head -- number of lines \_\_\_\_\_

Body -- number of lines \_\_\_\_\_

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Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 6.61

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Date: Nov 16, 19 91 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time ( s ), the dates of publication being as follows: 11/16/91

Subscribed and sworn to before me this 16th day of Nov 19 91

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-91-10-13)  
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Vacating a dedicated plat within the City of Fort Wayne - Engle Ridge North  
All interested parties are invited to appear and be heard.  
FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
11-16